

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BOARD OF TRUSTEES OF THE LOCAL
295/LOCAL 851 – IBT EMPLOYER GROUP
PENSION TRUST FUND and the BOARD OF
TRUSTEES OF THE LOCAL 295/LOCAL 851
– IBT EMPLOYER GROUP WELFARE
FUND,

Plaintiffs,

-against-

JRS TRUCKING SERVICES, INC.,

Defendant.

Civil Case No. 12-cv-08031 (WHP)

Electronically Filed

DEFAULT JUDGMENT

This action having been commenced by Plaintiffs, the Board of Trustees of the Local 295/951-IBT Pension Fund and the Board of Trustees of the Local 295/851-IBT Employer Group Welfare Fund (collectively, the “Funds”), by the filing of a Summons and Complaint on November 5, 2012, the Summons and Complaint having been served upon Defendant JRS Trucking Services, Inc. on November 7, 2012, and proof of service of the Summons and Complaint having been filed on November 14, 2012, the Clerk of the Court issuing a Certificate of Default, and Defendant having failed to answer or otherwise move with respect to the Complaint and the time therefore having expired;

NOW, on motion of Cary Kane LLP, attorney for Plaintiffs, by David P. Ofenloch, Esq., it is:

ORDERED, ADJUDGED AND DECREED, that Plaintiffs, in their fiduciary capacity for the Funds, have judgment against Defendant in the calculable amount of \$779,810.86 consisting of \$384,285.00 in unpaid contributions due to the Local 295/851-IBT Employer Group Welfare Fund (“Welfare Fund”) for the period of February through September of 2012, \$212,902.75 in

unpaid contributions due to the Local 295/851-IBT Employer Group Pension Fund ("Pension Fund") for the period of January through September of 2012, \$23,223.89 in interest on the unpaid contributions owed to the Welfare Fund for the period of February through September of 2012 at a rate of 8.25% as of February 25, 2013, \$12,290.42 in interest on the unpaid contributions owed to the Pension Fund for the period of January through September of 2012 at a rate of 8.25% as of February 25, 2013, \$119,437.55 in liquidated damages equal to 20% of the delinquent contributions owed to the Pension and Welfare Funds, attorneys' fees in the amount of \$27,193.75 and costs of this action in the amount of \$477.50, all as required by Section 502 of ERISA, 29 U.S.C. §1132.

ORDERED, ADJUDGED AND DECREED, that Defendant is compelled to provide Plaintiffs with their employer remittance reports, which are owed to the Pension Fund for the period of October of 2012 through the date of this judgment.

ORDERED, ADJUDGED AND DECREED, that Plaintiffs are awarded a judgment for any additional delinquent contributions owed to the Funds discovered pursuant to Defendant's remittance reports for the period of October of 2012 through the date of this judgment, including all accrued interest and the liquidated damages calculated according to the applicable rates.

ORDERED, ADJUDGED AND DECREED that Defendant remain current in its monthly benefit contribution obligations owed to the Funds on a future basis.

ORDERED, ADJUDGED AND DECREED that interest continues to accrue at the legal rate from the date of this judgment until the judgment is fully satisfied.

Dated: New York, New York
_____ 2012

United States District Judge